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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/751,951	12/29/2000	Von K. McConnell	1392	8531

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EXAMINER

PIZARRO, RICARDO M

ART UNIT	PAPER NUMBER
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2661

DATE MAILED: 10/05/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/751,951

Applicant(s)

Examiner

Ricardo Pizarro

Art Unit

2661

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE Three MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 December 2000.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-34 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☒ Claim(s) 1-8 and 15-34 is/are allowed.
6) ☒ Claim(s) 9-14 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 5-16.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

1. Claims 9-13 are rejected under 35 U.S.C. 102(a) as being anticipated by Schneider.

US patent No. 6,570,871 (Schneider) discloses an Internet telephony using cellular digital vocoder, comprising: a method for transmitting content from a mobile station to a destination via a packet switched network and a circuit switched network.(i.e. Internet and PSTN) said method comprising the steps of: receiving, over an air interface, first-format content (Vocoder) from said mobile station, said first-format content being said content in a first format: packetizing said first-format content into at least one packet,(col 4 lines 63-67 , col 5 lines 1-4) : transmitting, via said packet switched network, said at least one packet to a trunk gateway (Gateway 74 in Fig. 2), said trunk gateway being connected to said circuit switched network; said trunk gateway transcoding said first-format content into second-format content (col 5 lines 25-35), said second-format content being content in a second format; and said trunk gateway transmitting said second-format content to said destination, via said circuit switched network, as in claim 9; wherein said first-format content is voice in a vocoder format., as in claim 11; wherein said vocoder format is a code excited linear predictive (CELP) format (col 9 lines 43). , as in claim 12; wherein said vocoder format is a relaxed code excited linear predictive (RCELP) format., as in claim 13,

Claim Rejections - 35 USC § 103

2. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Schneider in view of Tangorra

Schneider did not specifically disclose wherein said vocoder format is an enhanced variable rate coder (EVRC) format, as in claim 14.

U.S. Patent No. 6,760, discloses a mobile system with improved control, wherein said vocoder format is an enhanced variable rate coder (EVRC) format (col 3 lines 8), as in claim 14.

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention to provide said format to the Schneider reference with the motivation of obtaining a mobile system that provides the public with impulse access to the Internet for voice communications without requiring maintenance of a subscription to a specific access service

Allowable Subject Matter

3. Claims 1-8 and 15-34 are allowed.

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- US patent No. 6,490,451 (Denman et al) discloses a System for providing packet switched telephony.

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- US patent No. 6,625,153 (Liu et al) discloses a Distributed Cellular system for the co-existence of multiple technologies,

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

(703) 872-9306

(for formal communications intended for entry, for informal or draft communications, please label "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to 220 South 20th Street, Crystal Plaza Two, Lobby, Room 1B03, Arlington, Va 22202 (Customer Window).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Ricardo Pizarro** whose telephone number is (571) 272 3077. The examiner can normally be reached on Monday-Friday from 9:00 AM to 5:30 PM. The fax number for this Group is (703) 872-9306.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kenneth Vanderpuye on (571) 272-3078.

9/28/2004

Ricardo M. Pizarro

